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6

7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 OAKLAND DIVISION

10 UNITED STATES OF AMERICA,)	No. CR-10-00423-PJH
)	
11 Plaintiff,)	
)	STIPULATED REQUEST TO CONTINUE
12 v.)	HEARING DATE TO AUGUST 25, 2010
)	AND TO EXCLUDE TIME UNDER THE
13 PEDRO VELASQUEZ,)	SPEEDY TRIAL ACT AND ORDER
)	
14 Defendant.)	Hearing Date: July 28, 2010
)	Time: 10:00 a.m.
15)	
16)	

17 The above-captioned matter is set on July 28, 2010 before this Court for a status hearing.
18 The parties jointly request that the Court continue the matter to August 25, 2010 at 10:00 a.m.,
19 and that the Court exclude time under the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and
20 (B)(iv), between July 28, 2010 and August 25, 2010.

21 On May 27, 2010, the Grand Jury charged Mr. Velasquez with illegal reentry following
22 deportation, in violation of 8 U.S.C. §1326. If convicted, Mr. Velasquez faces a statutory
23 maximum of 20 years imprisonment.

24 The current status of the case is that the parties are negotiating this matter and anticipate
25 that there will be a negotiated disposition of the case. If there is a negotiated disposition, the
26 parties plan to submit a proposed plea agreement to the Court at least two days in advance of the

1 requested hearing date. In the meantime, the government has produced discovery to the defense
2 and defense counsel needs additional time to review and process the discovery provided. The
3 defense also requires additional time to complete its investigation of the circumstances of the
4 offense and to assess and confirm Mr. Velasquez's Guidelines range.

5 The requested continuance will allow the defense to complete its review of the discovery,
6 to investigate the underlying facts of the case, and to research and to confirm Mr. Velasquez's
7 Guidelines range. For this reason, the parties agree that the failure to grant this continuance
8 would unreasonably deny counsel for defendant the reasonable time necessary for effective
9 preparation, taking into account the exercise of due diligence.

10 The parties further stipulate and agree that the ends of justice served by this continuance
11 outweigh the best interest of the public and the defendant in a speedy trial. Accordingly, the
12 parties agree that the period of time from July 28, 2010 to August 25, 2010, should be excluded
13 in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and
14 (B)(iv), for effective preparation of defense counsel, taking into account the exercise of due
15 diligence.

16 DATED: July 26, 2010

/S/
WILLIAM R. PLETCHER
Assistant United States Attorney

18
19 DATED: July 26, 2010

/S/
ANGELA M. HANSEN
Assistant Federal Public Defender

21 I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/)
22 within this e-filed document.

/S/ ANGELA M. HANSEN

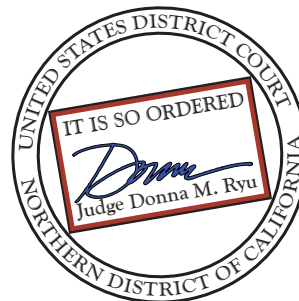
ORDER

Based on the reasons provided in the stipulation of the parties above, the Court hereby
FINDS:

1. Given defense counsel's need to complete its review the discovery;
2. Given that the defense needs additional time to continue to investigate the underlying facts of the case and to research defendant's sentencing Guidelines range;
3. Given that these above-listed tasks are necessary to the defense preparation of the case and that the failure to grant the requested continuance would unreasonably deny counsel for defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence;
4. Given that the ends of justice served by this continuance outweigh the best interest of the public and the defendant in a speedy trial;

Based on these findings, it is ordered that the status hearing date of July 28, 2010 scheduled at 10:00 a.m. is vacated and reset for August 25, 2010, at 10:00 a.m. It is further ordered that time is excluded pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), from July 28, 2010 to August 25, 2010.

July 27, 2010



HON. DONNA M. RYU
United States Magistrate Judge